

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIAM C. BOND,

*

Plaintiff

*

v.

* Civil Action No. MJG-01-2600

KENNETH BLUM, SR., *et al.*,

*

Defendants

*

* * * * *

MOTION FOR RELEASE OF FUNDS
PURSUANT TO § 11-603 OF
THE COURTS & JUDICIAL PROCEEDINGS ARTICLE
OF THE MARYLAND CODE

The Motion of William C. Bond and Alyson Bond, his wife, by Howard J.

Schulman and Schulman & Kaufman, LLC, their attorneys, respectfully represents:

1. William C. Bond and Alyson Bond are husband and wife, having married on May 8, 2001. *See* Alyson Bond's Affidavit attached hereto.
2. On or about April 24, 2003 (entered April 25, 2003) this Court, by its Supplemental Judgment Order, ordered that a judgment be entered against William C. Bond in favor of Adelberg, Rudow, Dorf & Hendl, LLC in the amount of \$71,547.17 only. No judgment has been entered against Alyson Bond, wife of William C. Bond.
3. On or about May 7, 2003, Adelberg, Rudow, Dorf & Hendl, LLC caused the Clerk to issue a Writ of Garnishment to the Bank of America which was served, Plaintiff believes, that very same day. The aforementioned Writ was issued only as to the

property of William C. Bond, Judgment Debtor. The Writ did not mention Alyson Bond. Based on the Writ of Garnishment, the Bank has put a hold on accounts #007080961935, #009080961935 and #003934599257.

4. Prior to the entry of the aforesaid supplemental judgment on April 25, 2003, William C. Bond and Alyson Bond, his wife, opened a checking account (#007080961935), a savings account (#009080961935) and a money manager account (#003934599257) at the Bank of America, N.A. Each of those accounts are accounts as tenants by the entirety. *See* attached Affidavit of Alyson Bond.

5. The Writ of Garnishment was issued pursuant to Maryland Rule 2-645. *See* Fed.R.Civ.P. 4(e) and 64. Both Maryland procedural and substantive law control. *Ospina v. Vanelli*, 34 F.R.D. 151 (D. Minn. 3d Div. 1964). Cts. & Jud. Pro. Code, § 11-603(a), (c)(2) and the case of *Maryland National Bank v. Pearce*, 329 Md. 602 (1992), make it clear that there can be no garnishment of these joint marital accounts since the accounts were opened prior to the April 25, 2003 judgment.

WHEREFORE, William C. Bond and Alyson Bond request that the accounts aforementioned not be subject to garnishment by a judgment creditor of William C. Bond only and that the Court order that the garnishment on Bank of America accounts #007080961935, #009080961935 and #003934599257 be released.

HOWARD J. SCHULMAN

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